

14 citation for violating the speed limits while at the same time minimizing the storage resources required of the system.

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## REMARKS

### Point 4: Rejection under 102(b) as unpatentable over Gerber:

Examiner rejected claims 1, 3, and 5-6 under 102(b) as being anticipated by Gerber. Gerber describes an enforcement system which provides a visual warning to illegally speeding vehicles. In Col. 2, lines 42-49, Gerber makes clear that his system provides information to police officers "ahead of the vehicle who may issue a traffic violation summons . . . based on their own observation.... Optionally, a camera may record the speeding vehicle . . ." (emphasis added). The use of the definite article "a" indicates that only one camera is involved--not a system of cameras as in Applicant's invention. In Col. 4, lines 12-16, Gerber mentions that a computer system may be shared between multiple cameras, but apparently only to maximize utilization of the computer--no mention is made of a system to calculate average speed across cameras at different locations. Further, removability of the cameras 10 is not mentioned (see col. 3, lines 47-50). In addition, a lookup table 18 is used in Gerber, but only to reference a "wanted car" database (see Col. 4).

In Col. 6, lines 17-23, Examiner has misunderstood the listing of several cameras 10A', 10B', and 10C', as indicating a system in which average speed is calculated across these cameras. This is clearly not the case. When one examines Figs. 2A and 2B, these cameras are all shown in a row, aligned perpendicular to traffic flow, and are thus placed to detect violations in different lanes, not to detect movement across intervals of distance between different cameras or "enforcement units", as in Applicant's invention. Further, Gerber's language in line 20 of col. 6 clearly indicates that movement is measured over several consecutive *frames* taken from the same camera. Distance is measured from "frame to frame" (see line 22), not camera to camera. Therefore, it is clear that Gerber is not pertinent art and should not be cited against the Applicant.

In any case, Applicant has amended claim 1, 3 and 5 and 6 to differentiate Applicant's invention from Gerber and Auty *et al.*, (discussed below). Therefore, the rejections under 102(b) are overcome.

Points 5 and 6: Rejection under 103(a) as being unpatentable over Gerber in view of Pagano:

Examiner rejected claims 2 and 4 under 103(a) as being unpatentable over Gerber in view of Pagano. Because Gerber is not applicable, neither is Examiner's rejection over Gerber in view of Pagano. Further, Pagano may disclose a fixed housing that is a dummy, but there is no suggestion or teaching of switching out dummy for real units and vice versa, as does Applicant's system, nor is there any suggestion or teaching of combining the features of the invention. In the absence of such a suggestion, someone of ordinary skill would not be motivated to combine these references. For instance, no *releasable* attachment means is disclosed in Pagano. Therefore, no means is disclosed in Pagano to suggest that it might be used with a interchangeable system of functional and nonfunctional cameras. As for Gerber and Auty *et al.*, for example, these and other references may not be applied against the Applicant because combination of the references would destroy the intended purpose of Gerber. For instance, modification of the entire *fixed* housing in Gerber to make it a decoy unit would destroy its intended purpose in that because the housing is fixed and immovable, conversion of the entire housing and/or its contents to a dummy unit would mean that the unit would not function to capture images of speeding vehicles. Rather, it would merely function permanently as a decoy unit.

Further, Pagano is not analogous art. This reference was discovered by Applicant after the invention and filing of the present invention when he performed a thorough search of the prior art in a conscientious effort to provide every possible reference which Examiner might consider relevant, no matter how remote the possibility (in Applicant's view). Pagano does not teach a speed or traffic law enforcement device of any kind whatsoever. Pagano does not teach interchangeable units of any kind whatsoever. Pagano does not even teach a functional surveillance device. Therefore, clearly, there is no nexus between the references. Further, Pagano states in the third paragraph from the end of his specification, that "it will be understood that this is a very small cost compared to the use of an actual surveillance camera, since use of a surveillance camera requires both purchase of the equipment for carrying out the surveillance, and the hiring of personnel to view the monitors", clearly indicating that Pagano did not anticipate

using his invention in conjunction with a system of functional surveillance units. Pagano merely teaches a non-functional substitute for a functional surveillance system. Applicant respectfully requests acknowledgment of the fact that Pagano is not analogous art, and therefore not applicable against Applicant's invention..

Point 7: Prior Art:

Applicant thanks Examiner for his conscientious search of the prior art. However, Applicant's own recent search uncovered a recently granted patent, namely U.S. Patent 5,809,161 to Auty *et al*, issued on September 15, 1998. Applicant has amended the claims to more clearly distinguish his invention over that disclosed by Auty *et al*. Specifically, Applicant has amended claims 1, 3, 5 and 6 to distinguish them from the invention disclosed.

In reviewing the Auty patent, Applicant notes the following pertinent sections:

Col. 2, lines 16-32 and lines 52-58.

Figures 6 and 7.

Col. 6, lines 6-65.

Col. 31, lines 26-52.

Col. 32, lines 38-46.

Claims 53, 59, and 60.

Applicant wishes to point out that the Auty patent does not describe a method (e.g., as per p. 11 of the present application) which, in addition to other steps which are described in the present specification, (1) automatically deletes license plate information from the license plate database after a short period (for privacy reasons) or, as claimed in new claim 7, which (2) stores license plate information (i.e., non graphical data) initially until a match is found, and, when a match is found, captures an image and reinjects a signal including the license plate data into the license plate database, the signal having a flag associating the license plate data with the captured or stored video image of the first match so that a subsequent violation can be associated with a prior violation thus enabling law enforcement officials to easily select among stored evidence to choose the evidence which they may use to support a citation for violating the speed limits and minimize the storage resources required.

The Auty patent does not describe a basis for choosing between alternate paths. Applicant's disclosure prescribes choosing the "minimum travel time drivable distance" because, contrary to a statement made in Auty, the distance between nodes is not known when there is more than one potential path between two points. Further, the shortest distance may not represent the minimum travel time drivable distance because speed limits vary.

Further, the Auty patent does not specifically describe the use of a lookup table having distances and average speed limits (to which calculated average speed is compared) between nodes.

Still further, the Auty patent does not specifically mention determination of average speed between non-adjacent nodes except to generally say on col. 6, lines 58-61, that the "distance between the nodes would be relatively large and an allowable time for travel between nodes would be established corresponding to a permitted average speed". Exactly which nodes are not specifically identified. Further, when nodes are specified, they are adjacent nodes (e.g., nodes 52 and 54). Therefore, no clear suggestion is given to use a lookup table to store the information. Applicant's invention, on the other hand, clearly describes a means of calculating average speed and comparing average speed across non-adjacent nodes.

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### Conclusions

As Examiner is well aware, there "must be some demonstrable basis in the prior art for one of ordinary skill to have combined the teachings of the references to arrive at the claimed invention." *In re Deminski*, N. 120 *supra*. Applicant has now clearly shown that there are significant patentable differences between Applicant's invention and those of the prior art. No prior art reference or assembly of references taken together, suggests or teaches Applicant's invention as now claimed. Because there is no "logical reason apparent from the evidence of record that would justify the combination or modification" of Auty or any other prior art document, Applicant's invention as now claimed is patentably distinct from the prior art and thus should be passed to allowance.

This amendment adds an additional independent claim. Further, Applicant petitions the

Commissioner for an extension of time of one month under 1.136 and includes the fee therefor, in check no. 2234, written for \$ 317<sup>00</sup>.

The amendments made herein are made solely for the purpose of advancing the examination of the application and, unless otherwise specifically stated, are not to be construed as an admission that the claimed invention requires such amendments to be patentably distinct over the prior art.

If the Examiner finds this response deficient in any sense, Applicant requests that the Examiner contact the Applicant via telephone or fax at 011-4122-344-0694 (Geneva, Switzerland).

Respectfully Submitted,

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Enclosures: check no. 2234 for additional claim(s), extension of time, and Suppl. IDS

Replacement drawings sheets

Substitute declaration (copy of application as filed)

Supplemental IDS

Substitute spec.